

Town Board Minutes

Meeting No. 2 *Special Meeting*

January 19, 1999

MEETINGS TO DATE 2
NO OF REGULARS 1
NO OF SPECIALS 1

LANCASTER, NEW YORK
JANUARY 19, 1999

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 19th day of January 1999, at 6:50 PM and there were

PRESENT: ROBERT GIZA, SUPERVISOR
NEIL CONNELLY, COUNCIL MEMBER
DONALD KWAK, COUNCIL MEMBER
MARK MONTOUT, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
DAVID MARRANO, PLANNING BOARD CHAIRMAN
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

ABSENT: REBECCA ANDERSON, PLANNING BOARD MEMBER
FRANK DE CARLO, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
MILDRED WHITTAKER, PLANNING BOARD MEMBER

ALSO PRESENT:
ROBERT THILL, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of two actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE
WALTER FERRY/TOM FERRY
REZONE MATTER**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Walter Ferry/Tom Ferry Rezone matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO
MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER GOBER, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
WALTER FERRY/TOM FERRY REZONE MATTER
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 27.9 acres.

The location of the premises being reviewed is situate west side of Pavement Road, north side of Nichter Road.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type I threshold in 6 NYCRR, Part 617.4.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.
 - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.

No adverse effects noted

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

No adverse effects noted

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

No adverse effects noted

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

No adverse effects noted

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No adverse effects noted

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

No adverse effects noted

- C.7 Other impacts (including changes in use of either quantity or type of energy.

No adverse effects noted

- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s _____

Robert H. Giza, Supervisor
Town of Lancaster

SEAL

January 19, 1999

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN MARRANO	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

January 19, 1999

**IN THE MATTER OF THE SEQR REVIEW OF THE
REGENT DEVELOPMENT (PROFESSIONAL OFFICE BUILDING)
SITE PLAN MATTER**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Regent Development (Professional Office Building) site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER STEMPIAK, WHO MOVED
ITS ADOPTION, SECONDED BY PLANNING
BOARD MEMBER SZYMANSKI, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
REGENT DEVELOPMENT (PROFESSIONAL OFFICE BUILDING)
SITE PLAN MATTER**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 1.25 acres.

The location of the premises being reviewed is situate 4901 Transit Road.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type I threshold in 6 NYCRR, Part 617.4.
- B. The action will not receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.
No adverse effects noted
 - C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.
No adverse effects noted
 - C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.
No adverse effects noted
 - C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.
No adverse effects noted
 - C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.
No adverse effects noted
 - C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.
No adverse effects noted

C 7 Other impacts (including changes in use of either quantity or type of energy.

No adverse effects noted

D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s

Robert H. Giza, Supervisor
Town of Lancaster

SEAL

January 19, 1999

and.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

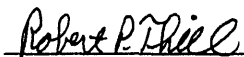
SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIK	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN MARRANO	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

January 19, 1999

ADJOURNMENT:

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 7:00 P.M.


Robert P. Thill, Town Clerk

Town Board Minutes

Meeting No. 3

Regular Meeting

January 19, 1999

MEETINGS TO DATE 3
NO. OF REGULARS 2
NO OF SPECIALS 1

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LANCASTER, NEW YORK
JANUARY 19, 1999

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 19th day of January, 1999 at 8:00 P.M. and there were

PRESENT: NEIL CONNELLY, COUNCIL MEMBER
DONALD KWAK, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

PERSONS ADDRESSING TOWN BOARD:

Buehler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- Suggested that police cars park in public parking lots when in Buffalo to avoid being ticketed for illegal parking.

Juszczak, Joseph, 600 Pleasant View Drive, spoke to the Town Board on the following matter:

- Requested a written report from Council Member Montour setting forth the results of his investigation into two parking tickets issued by the Buffalo Police Dept for the illegal parking of police vehicles in Buffalo.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters: **Page 44**

- Questioned prefiled resolution number 1 approving the minutes of the Regular Meeting of January 4, 1999.
- Applauded the Highway Department for the fine job they are doing with snow removal.
- Alleged he never received a reply to a letter he sent to the supervisor on November 4, 1997.
- Alleged that the Town Clerk failed to place a 1997 letter addressed to the Town Board on the public agenda.
- Questioned the legal implications of past wages paid to George MacPeck, Disaster Coordinator at \$5.00 an hour which is 15 cents below the federal minimum wage.

Burry, Richard, 6351 Broadway, spoke to the Town Board on the following matter:

- Complained that tractor trailer trucks parked next to his home at 6355 Broadway with their refrigerator units running causes air and noise pollution. The building inspector informed the board that his matter went to court and was dismissed.

Zarbo, Richard, 357 Stony Road, spoke to the Town Board on the following matters:

- Expressed opposition to the adoption of prefiled resolution number 12 permitting Sheila Scroger to carry over her unused 1998 vacation time to her 1999 service year.
- Informed the Town Clerk he was not satisfied by the amendment to the January 4, 1999 minutes reflecting his views on employee vacation carry over.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board
held on January 4, 1999 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER CONNELLY, TO WIT:

WHEREAS, Dennis Haniszewski, d/b/a Ransom Auto Parts, Inc., 867 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 867 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review, and

WHEREAS, the Building Inspector, by letter dated December 22, 1998, has notified the Town Board that he has completed his review and made a favorable recommendation thereto,

NOW, THEREFORE, BE IT

RESOLVED, that Dennis Haniszewski, d/b/a Ransom Auto Parts, Inc., 867 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 867 Ransom Road, Lancaster, New York for the period January 1, 1999 to December 31, 1999 in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999

File: rsalvage yard license

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, J. Renkas and Sons Inc., d/b/a AJ's Auto Wrecking, 955 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 955 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review, and

WHEREAS, the Building Inspector, by letter dated December 22, 1998, has notified the Town Board that he has completed his review and made a favorable recommendation thereto,

NOW, THEREFORE, BE IT

RESOLVED, that J. Renkas and Sons Inc., d/b/a AJ's Auto Wrecking, 955 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 955 Ransom Road, Lancaster, New York for the period January 1, 1999 to December 31, 1999 in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999

File: rsalvage yard license

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has duly advertised for bids for furnishing to the Town of Lancaster the necessary trees for the 1999 Tree Planting Program in accordance with specifications on file with the Town Clerk of the Town of Lancaster, and

WHEREAS, said bids were duly opened on December 22, 1998, and

WHEREAS, SCHICHTEL'S NURSERY, INC., 6745 Chestnut Ridge Road, Orchard Park, New York 14127 has submitted the lowest responsible bid in the amount of \$32,284.00 for furnishing said trees to the Town of Lancaster, and

WHEREAS, the General Crew Chief, by letter dated January 6, 1999, requests the Town Board to accept the bid of Schichtel's Nurseries, Inc., and

WHEREAS, by same letter, the General Crew Chief has requested that he be authorized to purchase additional trees at the 1999 bid prices from Schichtel's Nurseries at his discretion for whatever other tree plantings the Town may incur in 1999,

NOW, THEREFORE, BE IT

RESOLVED, that the bid of SCHICHTEL'S NURSERIES, 6745 Chestnut Ridge Road, Orchard Park, New York 14127, being the lowest responsible bid in conformance with the specifications relating thereto, be and hereby is accepted, and

BE IT FURTHER

RESOLVED, that the General Crew Chief be and is hereby authorized to place orders with Schichtel's Nurseries, Inc. for those trees which the Town of Lancaster needs for its 1999 Tree Planting Program, and

BE IT FURTHER

RESOLVED, that the General Crew Chief be and is hereby authorized to purchase additional trees at the 1999 bid prices from Schichtel's Nurseries Inc at his discretion for whatever other tree plantings the Town may incur in 1999.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999
FILE: RBOTREES (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Western New York Region Section VI Girls High School Softball has requested the use of Walden Pond Park for playoff and championship games on June 5, 1999, providing insurance coverage for the event, and

WHEREAS, the Town Board of the Town of Lancaster has reviewed the request and deems it a benefit to the community to have the Section VI Girls High School Softball championship at the Walden Pond Park;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby authorizes Section VI Girls High School Softball to use Walden Pond Park on June 5, 1999;
2. Section VI shall provide insurance coverage for the event naming the Town as additional insured; and
3. Section VI has permission to request a donation from those attending.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999

File: rplayoff

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, the State of New York Department of Labor has grant funds available for occupational safety and health training, and

WHEREAS, Erie Community College Department of Corporate Training has notified the Town that it is willing to assist the Town of Lancaster in the application of a safety grant as well as provide the necessary training through its Health, Safety and Environmental Program, and has provided the Town with an Application for this purpose, and

WHEREAS, the Town Board of the Town of Lancaster has reviewed the offer of Erie Community College (ECC) and deems it in the public interest to accept same with the understanding that there will be no grant writing fee for this purpose, with all revenue to ECC, it being the training provider;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town to execute the beforementioned Application and any further grant documentation provided by Erie Community College for this purpose.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999

File: rgrecc.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, Donald Gallo, Consulting Engineer, has submitted a proposal dated January 7, 1999 for providing engineering services for Restroom Building and Parking Area in Westwood Park in the Town of Lancaster, and

WHEREAS, the Town Board, after review and discussion, deems it to be in the public interest to retain Donald Gallo for the beforementioned engineering services;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby retains Donald Gallo, Consulting Engineer, P.C., 589 Delaware Avenue, Buffalo, New York 14202, to provide engineering services for Restroom Building and Parking at Westwood Park in the Town of Lancaster in accordance with his proposal dated January 7, 1999 on file in the Town Clerk's Office; with said services not to exceed the sum of \$16,000.00.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED NO
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999

File:rrteng.199

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the County of Erie is in the process of designing the intersection
widening of William Street (CR 338) and Bowen Road (CR 242), and

WHEREAS, the County Department of Public Works has advised the Town that
it will undertake the design of the proposed signal at the subject intersection upon the request of
the Town of Lancaster by Board Resolution, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public
interest to request the County to design the signalization simultaneously with the design of the
intersection widening;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. The Town Board of the Town of Lancaster hereby requests the County of
Erie Department of Public Works, Division of Highways to undertake the design of the
signalization of the intersection of William Street (CR 338) and Bowen Road (CR 242)
simultaneously with the design of the intersection widening; and
2. That the Town Clerk of the Town of Lancaster be and is hereby directed to
forward a certified copy of this resolution to the attention of David Comerford, Deputy
Commissioner of Highways, County of Erie Department of Public Works, with a further copy to
Erie County Legislator Dale Larson.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999

File: rechidpt.199

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to regulate the outdoor storage of abandoned, junked, discarded or unlicensed vehicles upon private property within the Town of Lancaster, and

WHEREAS, the Town Board of the Town of Lancaster has proposed Local Law No. 1 of 1999, entitled "Vehicles, Abandoned" and further designated as **CHAPTER 47** of the Code of the Town of Lancaster, which reads as follows:

VEHICLES, ABANDONED

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CHAPTER 47

Proposed

LOCAL LAW NO. 1

Of the Year

1999

A LOCAL LAW TO REGULATE OUTDOOR STORAGE OF ABANDONED, JUNKED, DISCARDED OR UNLICENSED VEHICLES UPON PRIVATE PROPERTY WITHIN THE TOWN OF LANCASTER, AND SHALL BE ENTITLED "VEHICLES, ABANDONED- LOCAL LAW NO. 1 OF THE YEAR 1999" AND DESIGNATED AS CHAPTER 47 OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

**CHAPTER 47
VEHICLES ABANDONED**

§47-1 Legislative Intent.

§47-2. Findings

§47-3. Definitions

§47-4. Open Storage Restricted

§47-5. Inspections

§47-6. Notice to Correct

§47-7. Antique or Classic Motor Vehicles

§47-8. Storage by Wreckers and Commercial Garages

§47-9. Farm Vehicles

§47-10. Appearance Ticket

§47-11. Penalties for Offenses

§47-12. Construal of Provisions

§47-13. When Effective

§47-1 Legislative Intent.

The intent of this Local Law is to regulate the outdoor storage of abandoned, junked, discarded or unlicensed vehicles upon private property within the Town of Lancaster.

§47-2. Findings.

The outdoor storage of abandoned, junked, discarded or unlicensed vehicles upon private property within the Town of Lancaster is hereby declared to be detrimental to the health, safety and general welfare of the community, aesthetically unattractive and detracting from the enjoyment of the environment by said residents, tending to depreciate neighborhood property values and is an infringement on their property and homes. The same also constitutes a potential nuisance to the children of the community and may imperil their safety.

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The fuel tanks of abandoned, junked or discarded vehicles containing gasoline or gasoline fumes constitute an ever present danger of explosion. The abandoned, junked or discarded vehicles also may contain broken glass and sharp metal edges, and such vehicles usually are stored or abandoned with batteries containing harmful acids.

The control of the outdoor storage of abandoned, junked or discarded vehicles is therefore regulated for the preservation of health, safety and general welfare of the community.

§47-3.

Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

ABANDONED VEHICLE - The intent of the owner of any vehicle, whether or not required to be licensed or whether normally operated on public highways or not, shall be determined by the physical condition of the vehicle, statements of the owner as to its abandonment, the length of time since the vehicle last operated on the highway, current status of license, registration or inspection and other relevant facts.

ANTIQUE MOTOR VEHICLES - A motor vehicle, but not a reproduction thereof, manufactured more than thirty (30) years prior to the current year and which, because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with the manufacturer's specifications and appearance.

CLASSIC MOTOR VEHICLES - A motor vehicle, but not a reproduction thereof, manufactured more than twenty (20) years prior to the current year, and which, because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with the manufacturer's specifications and appearance.

COMMERCIAL GARAGE - Any business licensed by the town and/or state to repair motor vehicles or any part thereof.

DISCARDED VEHICLE(S) - Any vehicle(s) which the owner thereof, as established by the surrounding circumstances, relinquishes ownership and possession of and any vehicle(s) the owner of which cannot be found after due and reasonable inquiry.

ENFORCEMENT OFFICER - The Building Inspector is designated as the "Enforcement Officer" for the purposes of this chapter.

JUNK VEHICLE - Any vehicle which for any reason is incapable, without repair, of being moved or propelled by application of internal power, if it is a vehicle originally designed to be propelled by internal power, or is incapable, without repair, of being drawn, towed, if it is a vehicle originally designed to be towed or drawn from behind an internally powered vehicle, and, as adjudged by the standards of an ordinary reasonable man, is unsightly in appearance because of the existence of one (1) or more conditions, such as but not limited to the following: deterioration by rust of the body, deterioration of the exterior finish of the vehicle; broken windows; absence of component parts of the vehicle (such as fenders, panels, doors, bumpers, headlights, hood, trunk door, tires, wheels, grille, roof or tailgate); physical damage (such as dents, cracks, scrapes, or holes) to component parts of the vehicle; and absence of interior components (such as seats, dashboard or interior door panels), or is incapable of being moved or propelled, drawn or towed without repair as provided for hereinabove and has remained situate on any real property for a period in excess of ninety (90) cumulative days.

JUNKYARD - Any place of storage or deposit licensed by the town where two (2) or more unlicensed, old or secondhand motor vehicles no longer intended or in condition for legal use on the highways are held, whether for the purpose of resale of used parts therefrom; for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass or fabric, or otherwise for the purpose of disposing of the same; or for any other purpose. Such term shall include any place of storage or deposit for such purposes of used parts or waste materials from motor vehicles, which, taken together, equal in bulk two (2) or more such vehicles.

OPEN STORAGE - Storage other than in a completely enclosed structure constructed of wood, masonry or metal.

OWNER OF PRIVATE PROPERTY - The legal owner, contract purchaser, tenant, lessee, occupant, subtenant, trustee, bailee, receiver of assignee of premises or real property located within the Town of Lancaster.

OWNER OF VEHICLE - The person having the property and/or title, including a person entitled to the use and possession of a vehicle subject to a security interest of another person, and also including any lessee or bailee of a vehicle having the use thereof under lease or otherwise.

PERSON - An individual, firm or partnership, association, corporation, company or organization.

REPAIR SETTLEMENT - Determination by whatever means, including settlement of a claim, arbitration or legal action, that any person other than the owner of a vehicle is liable to pay or will pay for the repair of damage resulting from any vehicular accident.

TOWN - All areas within the Town of Lancaster, both publicly and privately owned.

UNLICENSED VEHICLE - Any vehicle which may be licensed or registered for operation on public highways and which has not been registered during the preceding six (6) months or is not currently registered and not in a condition for legal use on the public highways. A vehicle which is in a condition to receive a current New York State motor vehicle inspection sticker shall be deemed to be in a condition for legal use on the public highways.

VEHICLE - Any means of transport or conveyance operated, driven, drawn or capable and intended to be operated, drawn or driven upon a public highway by power other than muscular power. A "vehicle" shall include but not be limited to automobiles, motorcycles, motorbikes, buses, all types of trailers, including trailers used for storage, trucks, truck tractors, mobile homes other than those legally in use in an authorized mobile home park, recreational vehicles, snowmobiles, all-terrain vehicles and jitneys or any other contraption originally designed and intended for travel on public highways.

WRECKER - Any business licensed or designated by the town to tow or haul other vehicles.

§47-4.

Open Storage Restricted.

- A. It shall be unlawful for any person, firm or corporation, either as a private property owner, vehicle owner, occupant, lessee, agent, tenant or otherwise, to openly store or deposit or cause or permit to be openly stored or deposited an abandoned, junked, discarded or unlicensed vehicle or vehicles or parts or pieces thereof on any private property within any zoning district within the Town of Lancaster, except as permitted in junkyards or by this chapter, unless such vehicle or part or piece thereof is stored or deposited in a completely enclosed building.

A single winter use or seasonal vehicle such as winter cars or light truck plow vehicles, which may not be licensed year round by the property owner, may be stored outside, provided that the vehicle is behind the front yard on an adequately maintained surface in the side or rear yard and is at least ten (10) feet from the property lines.

In the case of a vehicle temporarily out of service that is under repair or refurbishment by the owner thereof who must actually reside on the premises where such repair or refurbishment is being done, this single vehicle may be openly stored for a period of up to ninety (90) days, provided that it is maintained and protected so as to not create a safety hazard or nuisance to surrounding property owners, but not upon the public right-of-way.

- B. Recreational vehicles, specifically boats, camping trailers and motorhomes or snowmobiles and all-terrain vehicles on trailers, may be openly stored upon the premises, but not on the public right-of-way, provided that the owner actually resides upon the property, and provided further that the subject recreational vehicle has been licensed within the last twelve (12) months.
- C. (1) In any C-1, C-2 or C-3 Commercial District nonresidential use or recognized nonconforming commercial use in a residential district, wheeled unlicensed trailers made to be pulled by a truck or truck body, whether nor with or without wheels, are permitted for storage purposes but are not permitted in any front yard.
- (2) One unlicensed trailer or truck body as recited in Subsection C(1) above which is at the time of the adoption of this chapter used for storage in any R Zoning District shall be exempt but shall not be permitted in any front yard.
- (3) All trailers and truck bodies as described in Subsection C (1) above shall be exempt when used in connection with agricultural pursuits, but shall not be permitted in any front yard. Refer also to §47-9.
- (4) Owners of wheeled trailers not otherwise exempted herein made to be pulled by a truck, whether now with or without wheels, and currently used for storage have six (6) months from the date of adoption of this chapter to terminate the use of the same for storage and comply with this chapter.

§47-5. Inspections.

The Town of Lancaster Building Inspector shall have the right to enter and inspect, at any reasonable hour, any premises on which vehicle(s) are openly stored and to inspect such vehicle(s) to determine if the same are a hazard to the health and welfare of the community. The right to entry shall not be limited in any way by the existence or lack of existence of a request, authorization or other consent or approval of entry for inspection.

§47-6. Notice to Correct.

After the Building Inspector has determined that an abandoned, junked or unlicensed vehicle(s) or parts thereof is openly stored or deposited or is permitted to be openly stored or deposited on a parcel of property in violation of this chapter, he shall give written notice, by personal service or by registered or certified mail, on the owner of the abandoned, junked or unlicensed vehicle(s) or parts thereof or on the owner of any private property on which the vehicle(s) is openly stored. Such notice shall direct the person so served, regardless of the ownership of the vehicle(s) if the property owner or tenant is served, to terminate the open storage of such vehicle(s) within the town within ten (10) days of said notice.

§47-7. Antique or Classic Motor Vehicles.

A single antique or classic motor vehicle that is in the process of being restored may be kept out of doors upon the premises of the owner of said vehicle for a period of eighteen (18) months to allow the restoration to be completed, provided that the vehicle is stored behind the required front yard on an adequately maintained surface and is at least ten (10) feet from the property line, and provided further that such vehicle or component part thereof is covered with a tarpaulin or custom-made cover for vehicles or is otherwise completely hidden from public view with proper screening.

§47-8. Storage by Wreckers and Commercial Garages.

A wrecker commercial garage may store abandoned, junked or unlicensed vehicle(s) or parts thereof on any one (1) site within the Town of Lancaster, provided that such storage is confined in an enclosed area, and provided further that the business operation of the wrecker of commercial garage is permitted by all applicable zoning laws or regulations, including rights under any nonconforming uses and including any limitations, restrictions or conditions established according to law by the Town Board, the Zoning Board of Appeals or any court of competent jurisdiction, and provided that the vehicle(s) is not stored at any time on a public highway right-of-way.

§47-9. Farm Vehicles.

Any farm vehicle being actively used in farming operations shall be exempted from the provisions of this chapter, provided that:

- A. The vehicle is being used on private property by the property owner or lessee in possession of evidence of a leasehold interest and is being held for continuing operation on private property and is not being held primarily for nonoperating purposes.
- B. The vehicle, if not in a condition for legal operation on public highways, is in a condition so that it can be operated and so that such operation on private property will not be unduly dangerous to the operator, passengers or others.
- C. The vehicle is in such a condition that there is no sharp metal, broken glass or other condition which would endanger children who might be attracted to play around the vehicle.
- D. The farm vehicle is not stored in any front yard..

§47-10. Appearance Ticket.

In the event of noncompliance with the provisions of this chapter and after ten (10) days have elapsed from receipt of the written notice, the Building Inspector may issue an appearance ticket returnable to the Town of Lancaster Justice Court at a date and time as specified on the appearance ticket. The appearance ticket shall specify the alleged violation, the date and time and a description of the vehicle(s) involved, a copy of which shall be forwarded to the Town Justice Court and shall be accompanied by information detailing the violation and attempts made by the Building Inspector to achieve compliance.

§47-11. Penalties for Offenses.

A violation of this chapter shall be punishable by a fine of at least fifty dollars (\$50.) And not more than one hundred fifty dollars (\$150.). Each abandoned, junked, discarded or unregistered/unlicensed vehicle stored in violation of this chapter shall constitute a separate violation. The court may impose additional fines for each day that the violation continues beyond the order to either remove or enclose said vehicle.

§47-12. Construal of Provisions.

This Chapter has been enacted to supplement and to be read in conjunction with §1224 of the Vehicle and Traffic Law of the State of New York.

§47-13. When Effective.

This Local Law shall become effective upon filing with the Secretary of State.

NOW, THEREFORE, BE IT

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RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the proposed Local Law No. 1 of the Year 1999, entitled: "Vehicles, Abandoned" and further designated as Chapter 47 of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:50 o'clock P.M., Local Time, on the 1st day of February, 1999, and that Notice of the Time and Place of such Hearing shall be published on the 7th day of January, 1999, in the Lancaster Bee, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk be and is hereby directed to make copies of the proposed Local Law No. 1 of the Year 1999, entitled: "Vehicles, Abandoned", available for inspection by and distribution to any person during business hours.

The question of the adoption of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 1, 1999

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

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LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted January 19, 1999, the said Town Board will hold a Public Hearing on the 1st day of February, 1999, at 8:50 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon proposed Local Law No. 1 of the Year 1999, entitled: "Vehicles, Abandoned", and further designated as Chapter 47 of the Code of the said Town, briefly described as follows:

"A Local Law to regulate the outdoor storage of abandoned, junked, discarded or unlicensed vehicles upon private property within the Town of Lancaster, entitled "Vehicles, Abandoned", designated as Chapter 47 of the Code of the Town of Lancaster and further identified as Local Law No. 1 of the Year 1999.

A complete copy of proposed Local Law No. 1 of the Year 1999, entitled: "Vehicles, Abandoned" and designated as Chapter 47 of the Code of the Town of Lancaster is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: **ROBERT P. THILL**
Town Clerk

January 19, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR KWAK, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated
January 12, 1999, has recommended the appointment of Richard Thompson to the position
of Tutor with the Youth Bureau of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Richard Thompson, 5329 Broadway, Lancaster, New York
14086 (\$10.00 per hour) is hereby appointed to the position of Tutor with the Town of
Lancaster Youth Bureau, effective January 19, 1999, and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the
necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999

File: Rpers.tutor (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to amend Chapter 50-Zoning, Article VIII, §50-43 of the Code of the Town of Lancaster, County of Erie, State of New York, by adding thereto, the following:

§50-43. Site Plan Review

D. Enforcement of site plan; security.

1. Upon approval of a site plan the owner/developer shall meet the conditions imposed by the Town Board, including but not limited to landscaping, buffer zones, fencing, finished exteriors, parking areas, dumpster location, etc., within sixty (60) days of issuance of the Certificate of Occupancy by the Building Inspector unless extension is granted by the Town Board.
2. The owner/developer shall be required to post a performance bond or cash security in a form acceptable to the Town Attorney and Town Board in a sum equivalent to estimated cost of work to be completed at the time the Building Inspector issues a Certificate of Occupancy.

The Building Inspector and Town Engineer shall calculate the estimated cost of completion. Failure to comply with the conditions within sixty (60) days of posting the security or performance bond shall result in forfeiture of the bond or security.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to §130 of the Town Law of the State of New York, a Public Hearing on the said proposed amendment to Chapter 50-Zoning, Article VIII, §50-43 will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on February 1, 1998 at 8:30 o'clock P.M., Local Time, and that notice of the time and place of such Hearing be published on January 21, 1999 in the Lancaster Bee, a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999

File: rasonorh.199

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

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LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town of Lancaster adopted on the 19th day of January, 1999, the said Town Board will hold a public hearing on the 1st day of February, 1999, at 8:30 o'clock P.M., Local Time, to hear all interested persons upon the following proposed amendment of Chapter 50-Zoning, Article VIII, §50-43 of the Code of the Town of Lancaster:

CHAPTER 50 - ZONING

**ARTICLE VIII
Administration and Enforcement**

§50-43. Site Plan Review, shall be amended to read as follows:

§50-43 Site Plan Review

D. Enforcement of site plan; security.

1. Upon approval of a site plan the owner/developer shall meet the conditions imposed by the Town Board, including but not limited to landscaping, buffer zones, fencing, finished exteriors, parking areas, dumpster location, etc., within sixty (60) days of issuance of the Certificate of Occupancy by the Building Inspector unless extension is granted by the Town Board.
2. The owner/developer shall be required to post a performance bond or cash security in a form acceptable to the Town Attorney and Town Board in a sum equivalent to estimated cost of work to be completed at the time the Building Inspector issues a Certificate of Occupancy.

The Building Inspector and Town Engineer shall calculate the estimated cost of completion. Failure to comply with the conditions within sixty (60) days of posting the security or performance bond shall result in forfeiture of the bond or security.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: **ROBERT P. THILL**
Town Clerk

January 19, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

WHEREAS, Sheila Scroger, Clerk Stenographer in the office of the Town Attorney, by letter dated December 29, 1998 has requested permission to carry over forty-six (46) hours of vacation time accrued which she is unable to take by her anniversary date of January 17, 1999;

NOW, THEREFORE, BE IT

RESOLVED, that **Sheila Scroger** be and is hereby permitted to carry her forty-six (46) hours of vacation to her 1999 year of service with the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Regent Development International, Inc., 95 John Muir Drive Suite 108, Amherst, New York 14228, has submitted a Site Plan, received December 1, 1998, for the construction of a 10,000 s.f. office building located on the east side of Transit Road, south of William Street, in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and by letter dated December 18, 1998, has recommended approval of this project, and

WHEREAS, a SEQR review of this project was held on Tuesday, January 19, 1999, and a Negative Declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan prepared by DeanSutton Architects, and submitted by Regent Development International, Inc., for the construction of a 10,000 s.f. office building to be located on property located on the east side of Transit Road, south of William Street, in the Town of Lancaster,

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999

File rasite1.199

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
CONNELLY, TO WIT:

RESOLVED, that the resolutions adopted by the Town Board of the Town of Lancaster on January 4, 1999, as they relate to the 1999 Schedule of Salaries non-bargaining personnel and for the CSEA White Collar union employees, be and are hereby amended to read as follows:

CSEA WHITE COLLAR PERSONNEL:

Real Property Appraiser Technician (Mazur)
Delete \$34, 534.00; substitute therefore \$31, 534.00

NON-BARGAINING PERSONNEL:

Recreation Attendant, P.T. - Ceramics Instructor (Weiss)
Delete \$6.50 per hour; substitute therefore \$7.00 per hour

Natural Disaster Services Coordinator (PJC) (Mac Peek)
Delete \$5.00 per hour; substitute therefore \$5.15 per hour

and,

BE IT FURTHER

RESOLVED, that these amendments be made retroactive to January 1, 1999.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999

file: ramend.gen

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, Greenfield Development, Inc., 64 Hager Street, Buffalo New York 14208, has submitted a Site Plan , received December 3, 1998, for the construction of a One Hundred (100) Independent Living and Fifty (50) Assistive Living Unit complex located on the south side of Broadway east of Cemetery Road and locally known as 5949 Broadway in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and by letter dated January 11, 1999, has recommended approval of this project, and

WHEREAS, a SEQR review of this project was held on January 16, 1996, and a Negative Declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan prepared by Gordon W. Jones Associates, Architects, dated December 1, 1998, and submitted by Greenfield Development, Inc., for the construction of a One hundred (100) Independent Living and Fifty (50) Assistive Living Unit complex located on the south side of Broadway east of Cemetery Road and locally known as 5949 Broadway in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999

File rasite2.199

THE FOLLOWING RESOLUTION WAS OFFERED
BY, COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, WALTER FERRY, 309 Schwartz Road, Lancaster, New York, and THOMAS FERRY, 125 Nichter Road, Lancaster, New York, the contract vendees of a parcel of land located on the west side of Pavement Road and the north side of Nichter Road, in the Town of Lancaster, New York, has petitioned the Town Board of the said Town for the rezone of said property from an SGA-Sand, Gravel and Aggregates District, to an R-1 - Residential District One, and

WHEREAS, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 1st day of February, 1999, at 8:40 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town on January 21, 1999, and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999

File: rrezfery.199

**LEGAL NOTICE
PUBLIC HEARING
FERRY REZONE-PAVEMENT/NICHTER ROAD
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 19th day of January, 1999, the said Town Board will hold a Public Hearing on the 1st day of February, 1999, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from an SGA - Sand, Gravel, Aggregates District to an R1-Residential District One:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Lancaster, County of Erie and State of New York, being part of Lots 7 and 9, Section 5, Township 11, Range 6 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the centerlines of Pavement Road (66' wide) and Nichter Road (66' wide);

THENCE southwesterly along the centerline of said Nichter Road, 1340.00 feet to a point;

THENCE westerly along a line making an interior angle of $156^{\circ} 49'00''$ with the last mentioned course, 574.00 feet to a point;

THENCE northerly along a line making an interior angle of $92^{\circ} 36'00''$ with the last mentioned course, 645.86 feet to a point;

THENCE northerly along a line making an interior angle of $171^{\circ} 42'53''$ with the last mentioned course, 73.67 feet to a point;

THENCE easterly along a line making an interior angle of $102^{\circ} 48'00''$ with the land mentioned course, 1825.00 feet to a point in the centerline of Pavement Road;

THENCE southerly along the centerline of said Pavement Road and making an interior angle of $85^{\circ} 11'12''$ with the last mentioned course, 417.37 feet to the point or place of beginning and containing 27.29 acres more or less.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
 Town Clerk

January 19, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No.6407 to Claim No. 6721 Inclusive

Total amount hereby authorized to be paid: **\$813,060.37**

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STERN	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	Structure
5569		M J Ogiony	9 Ryan St	Er. Sin. Dwlg
5570		Ryan Homes	321 Enchanted Fst N	Er. Sin. Dwlg
5571		Ryan Homes	277 Enchanted Fst N	Er. Sin. Dwlg
5572		Ryan Homes	46 Michael Anthony Ln	Er. Sin. Dwlg
5573		Ryan Homes	28 Village View	Er. Sin. Dwlg
5574		Markar Products Inc	68 Ward Rd	Ex. Storage Bldg
5575		Ryan Homes	36 Stream View Ln	Er. Sin. Dwlg
5576		Ryan Homes	26 Village View	Er. Sin. Dwlg
5577		Ryan Homes	48 Michael Anthony Ln	Er. Sin. Dwlg
5578		Forbes Homes Inc	41 Stream View Ln	Er. Sin. Dwlg
5579		Terry Lasker	476 Central Ave	Er. Deck

and,

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999

File:Rbldg2

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Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:**

WHEREAS, the New York State Department of Transportation will be causing road improvements to Walden Avenue through the Town of Lancaster, and

WHEREAS, as a part of the project, the intersection of Walden and Central Avenue will be improved by widening and reconfiguration of the Central Avenue approaches which is intended to mitigate accident and traffic congestion problems, and

WHEREAS, the New York State DOT has advised the Town of Lancaster that the improvements to the beforementioned intersection can only be implemented if parking and standing are prohibited on the intersection approaches which will require affirmative action by the Town Board of the Town of Lancaster to prohibit parking and standing of vehicles in that area, and

WHEREAS, the Town Board after due review and consideration deems it in the public interest to cooperate with the State of New York in causing the implementation of improvements to this intersection;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby states its concurrence with the NYS DOT determination that parking and standing should be prohibited at the beforementioned intersection approaches and that the Town Board furthermore commits to enacting the appropriate ordinance amendment to so prohibit the parking and standing of vehicles in this area subsequent to construction, to include the area commencing at the western boundary of the Town on the north side of Walden Avenue and on Central Avenue between Walden Avenue and Markey.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 1999

File: rvlndnt

COMMUNICATIONS:

24. Association of Towns to Town Clerk -
Notice of meeting February 14-17, 1999 for this Association in New York City.
DISPOSITION = Received and Filed
25. Town Clerk to Supervisor -
Transmittal of monthly report for December, 1998. DISPOSITION = Received and Filed
26. Bowmansville Vol. Fire Assn. To Planning Board Chairman -
Reviews and recommendations re: Dunn Tire Project. DISPOSITION = Police Chief
27. Disaster Coordinator to Department Heads -
Notification of next scheduled safety meeting is January 21, 1999. DISPOSITION = Received and Filed
28. Town Clerk to Various News Media -
Notification of meetings of official bodies of the Town of Lancaster. DISPOSITION = Received and Filed
29. General Crew Chief to Supervisor -
Request permission for NY Region of Section VI Girl's High School Softball to use Walden Pond Park for playoff and championship games June 5, 1999. DISPOSITION = Received and Filed
30. General Crew Chief to Council Member Connelly -
Recommendation bid award for 1999 Town tree planting program to Schichtel's Nursery.
DISPOSITION = Received and Filed
31. General Crew Chief to Supervisor -
Request authorization to purchase 1999 Dodge Ram diesel pick up with plow under NYS contract from Albany Dodge Inc. DISPOSITION = Supervisor
32. Bowmansville Vol. Fire Assn. to Supervisor -
Request payment for portable radios. DISPOSITION = Supervisor
33. Deputy Commissioner of Planning and Economic Development to Supervisor -
Notice of public hearings to be held re: Community Projects to be included in the Draft 1999 Erie County Community Development Block Grant Application. DISPOSITION = Received and Filed
34. Cheektowaga Town Attorney to Supervisor -
Request participation in the review process for master plan. DISPOSITION = Received and Filed
35. Cheektowaga Town Clerk to Town Board -
Transmittal of resolution of consent to Lead Agency Status for Lancaster and Depew Master Plan. DISPOSITION = Received and Filed
36. Deputy Commissioner-Highways to Supervisor -
Request Town Board resolution for design of the proposed signal at Bowen Road and William Street. DISPOSITION = Received and Filed
37. Town Clerk to Town Board -
Town Clerk's Annual Report for 1998. DISPOSITION = Received and Filed
38. NYSDEC to Town of Lancaster -
Transmittal of Application for Pine Hill Materials Corp. Re: amend reclamation plan Burkhardt Gravel Pit. DISPOSITION = Received and Filed
39. Building and Zoning Inspector to Town Clerk -
Request issuance of License to Operate a Salvage Yard. DISPOSITION = Received and Filed
40. Executive Director of Youth Bureau to Supervisor -
Recommend appointment of Richard Thompson to position of tutor. DISPOSITION = Received and Filed
41. Planning Board to Town Board -
Transmittal of minutes of meeting of January 6, 1999. DISPOSITION = Received and Filed

42. Planning Board to Town Board -
Recommendation re: Walter/Thomas Ferry resone petition. DISPOSITION = Received and Filed
43. Planning Board to Town Board -
Recommendation re: Greenfield Health & Rehabilitation Center site plan. DISPOSITION = Received and Filed
44. Town of Lancaster PBA President to Town Board -
Comments re: Police Department vehicles suspension. DISPOSITION = Received and Filed
45. Erie Community College Department of Corporate Training to Supervisor -
Transmittal of Department of Labor's Occupational Safety and Health Training and Safety Grant. DISPOSITION = Supervisor
46. Greater Buffalo-Niagara Regional Transportation Council to Supervisor -
Transmittal of call letter Re: TEA-21 Transportation Enhancement Program Project Application. DISPOSITION = Received and Filed
47. Legislature of Erie County Clerk's Office to Town Board -
Transmittal of a resolution of the Legislature to reaffirm its support of the County's Deputy Commissioner of Highways authorization of the use of county snow removal resources to municipalities. DISPOSITION = Highway Superintendent
48. NYSDEC to Town Attorney -
Transmittal of lead agency designation re: Walter/Thomas Ferry zoning amendment petition. DISPOSITION = Received and Filed
49. Town Clerk to Town Board -
Appointment of Richard Thompson to position of tutor. DISPOSITION = Received and Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER KWAK AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:20 P.M.

Signed Robert P. Thill
Robert P. Thill, Town Clerk